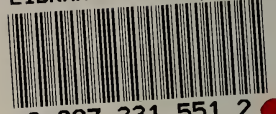


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SPEECH

OF

MR. RAYNER, OF N. CAROLINA,

ON THE BILL

PROPOSING TO DISTRIBUTE ANNUALLY, AMONG THE SEVERAL STATES,

THE PROCEEDS OF THE SALES OF THE PUBLIC LANDS.

Delivered in the House of Representatives of the U. States, July 6th, 1841.

Mr. RAYNER said, the question, of the proper disposition to be made of the public lands, was one, which had been so often and so ably discussed, that he felt great diffidence in attempting to say any thing in regard to it. As he considered this a subject fraught with the most important consequences, both to the destiny of the Union and the prosperity of the States; and as he believed, *now*, in all probability, was the only time when this great measure ever could succeed, he felt bound to say something upon the subject. That a proper settlement of this long exciting question was connected with the future policy of the Government and destinies of the Union, must be apparent, when it was considered, that the public mind had been turned to this subject throughout the whole country—and that it was one of the cardinal measures, under which the present dominant party marched to victory, in the late political contest. When we look further, (said Mr. R.) at the immense power accruing to this Government in future time, from the management and disposition of this inexhaustible source of wealth; and the sensitive disposition of the people of the different sections of this country, in regard to their obtainment of a fair and equitable portion of the benefits of this Government—we *must* see that this question of the disposition of the public lands is growing in importance daily, as the population, wealth, and enterprise of the country increase. The consideration of this subject is invested with especial consequence at this time, from the interesting era in which we live, and the peculiar crisis which has arrived, in the internal affairs and relations of the several States. We live in the age of improvement. The progress of nations now, to greatness and to glory—instead of being the slow work of ages, is the rapid movement of a generation. All the improvements which tend to develop the wealth and resources of a people, are hurried on with a power like that of magic. The mountains are bowing their heads, and the rivers yielding their streams, to the enterprise and ingenuity of man; and so far from obstructing, are offering facilities to, the transportation of the rich products of the western forests, to the commercial depots of the Atlantic coast. This is also the age of mental, as well as physical improvement. Science is doing for mind, what art is doing for matter. And judging from the history of the past, the problem is soon to be solved—of how great perfectibility the human mind is capable of attaining. The States of this Union, through a laudable ambition, are running a race in this career of improvement. In order to the accomplishment of these great purposes, in which they are engaged, they must have money,—yes, *money*—which is the sinews of improvement in peace, as well as of war. They want money, not for the purpose of idly spending it—not for the purpose of gratifying the ambitious enterprise of a day—but for the

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purpose of laying the foundations of a system of prosperity and glory, to be enjoyed by posterity for ages to come. Fortunately for our country, and our institutions, our vast public domain constitutes an endless source of revenue, adequate to the great purposes to which I have adverted. And those States, which are in advance in this great and glorious race of improvement, have, most of them, encountered debts and difficulties, from which their share of this common property will relieve them, without imposing domestic burthens on their own citizens.

My next principal reason, for supporting this measure at this time, is, that we should adopt some permanent system, for the future disposition of the public lands—a system which will have, as a guaranty for its duration, the faith of the General Government on the one hand, and the vested rights and individual *interests* of the State governments on the other. I verily believe, that unless this question is settled on some permanent basis during the present Congress, that, the public lands will soon cease to be a source, either of ordinary revenue, or that for distribution. They will either be converted into political capital, with which gambling politicians will bid for the high places of power—or they will be seized with the strong hand of violence, and appropriated to the use of the new States alone, that have grown into power by our fostering care. Need I attempt to prove the former of these propositions, when every aspiring politician is torturing his brain, to invent some system for the disposition of these lands, which may secure to him the favor of the new and rising States—on account of its being for their benefit exclusively? Has not this measure, in a great degree, become a party question? Do you not see men from the old States, who received these lands as an inheritance from their ancestors, and who should preserve them as a legacy for their posterity—willing to convert this great national treasure into political stock, to be exchanged for a mere ephemeral exercise of power? Are not the power and patronage, incident to the survey and sale of these lands, daily strengthening the executive arm, and threatening to poison the fountains of political integrity?

Is there no danger of the new States laying claim to the whole of the public lands within their limits? Tell me not of Constitution, of law, and of justice operating on *communities*, when interest and power are thrown in the opposite scale. Let the apportionment of representation under the late census take place—let the overwhelming power of the new States once be represented in this hall, and you will see, whether they will not attempt to reconcile the appropriation of the whole public domain to their own use, with their duty to the Constitution, and their plighted faith to the old States. This proposition was heard only in faint whispers a few years since—now it is boldly proclaimed in the councils of the nation, and we are daily admonished of the rising power of the West, and warned of the time, when that section is to dictate law to the balance of the Union. And once this system is commenced, you can never arrest its progress—once we relax our grasp upon the public domain, it will be gone forever. For, if you give to the present new States, all the public lands within their limits, each State in succession, as it comes into the Union, will claim the same favor; and you cannot consistently withhold it. They will not wait till they are admitted into the Union—territories will put in their claims; and, hereafter, the establishment of a territory will only be a preliminary step, to a surrender of the lands within its limits.

I am, therefore, for establishing a permanent system for the disposition of the public lands *now, now* whilst the public mind is awakened to the subject; when public expectation demands it at our hands. I am for removing these lands beyond the reach of political or party influences. I am for depriving political speculators of this *stock*, with which they are trading away

the rights and interests of the several States. I am for weakening the arm of executive power, by depriving it of this vast corruption fund. I am for allaying the jealousies which are fast arising between the new States and the old, in regard to this matter; and for identifying, forever, their interests, and the sources of their prosperity.

In order to the proper understanding of the relations between the States and the General Government, in regard to the question of the public lands—we must go back to an early period of our history. The original patentees of the crown of England, claimed all the waste lands, as far west as the Pacific ocean. Here, then, we see, that the claim of the colonies to the unappropriated lands of the west, is identified with the first settlement of this country. When the colonies were afterwards converted into royal governments, either by grant from the patentees, or the forfeiture of their charters, the crown succeeded to all their powers and privileges; and, hence, these waste lands, even to the South sea, were claimed by the crown. By the treaty of 1763, however, the Mississippi river was established as the boundary between British America, and Louisiana then owned by the French. When the colonies revolted against the British Government, and declared independence—each one of them claimed all the authority, powers, rights and privileges of sovereignty, which had been exercised by the crown; and consequently, laid claim to all the waste lands then owned by it—which claim was ultimately confirmed by the treaty of peace in 1783. Each of the States laid claim to all the lands originally contained in their colonial chartered limits. This question, of the right of the States to all the waste lands within their chartered limits, excited great attention at an early period of the revolution; and prevented, for a time, the ratification of the articles of confederation. The States which held no waste lands insisted—and with apparent justice too—that as they were all engaged in a common struggle, and as these waste lands were to be wrested from a common enemy, by a common sacrifice; they ought to be considered as common property, to be used for the common use and benefit of all the States. Their object was, no doubt, to secure a common fund, to pay the common debt of the revolution.

Some of the States refused to sign the articles of confederation, unless upon the condition, that the States claiming unappropriated lands should surrender them as a common fund. As early as 1776, the convention which framed the constitution of Maryland, passed the following resolution:

“Resolved, unanimously. That it is the opinion of this convention that the very extensive claim of the State of Virginia to the back lands hath no foundation in justice, and that if the same or any like claim is admitted, the freedom of the small States and the liberties of America may be thereby greatly endangered; this convention being firmly persuaded that, if the dominion over those lands should be established by the blood and treasure of the United States, such lands ought to be considered as a common stock, to be parcelled out at proper times into convenient, free, and independent Governments.”

As late as 1779, when all the other States had signed the articles, she still refused, and instructed her delegates in Congress, to insist upon a surrender of the lands, by those States claiming them. The following is an extract from these instructions:

“We are convinced policy and justice require that a country unsettled at the commencement of this war, claimed by the British Crown, and ceded to it by the treaty of Paris, if wrested from the common enemy by the blood and treasure of the thirteen States, should be considered as a common property, subject to be parcelled out by Congress into free, convenient, and independent Governments, in such manner, and at such times, as the wisdom of that assembly shall hereafter direct.

“Thus convinced, we should betray the trust reposed in us by our constituents, were we to authorize you to ratify on their behalf the confederation, unless it be further explained. We have coolly and dispassionately considered the subject; we have weighed probable inconveniences and hardships against the sacrifice of just and essential rights; and

do instruct you not to agree to the confederation unless an article or articles be added thereto in conformity with our declaration. Should we succeed in obtaining such article or articles, then you are hereby fully empowered to accede to the confederacy."

When Delaware acceded to the confederation in 1779, she also passed the following resolution, as a part of the condition of her accession :

"*Resolved, also*, That this State consider themselves justly entitled to a right, in common with the members of the Union, to that extensive tract of country which lies to the westward of the frontier of the United States, the property of which was not vested in, or granted to, individuals at the commencement of the present war ; that the same hath been or may be gained from the King of Great Britain, or the native Indians, by the blood and treasure of all, and ought therefore to be a common estate, to be granted out on terms beneficial to the United States."

The Congress then sitting under the articles of confederation, feeling the great importance of preserving union and harmony among the States, and of uniting them in one common league, and seeing the difficulties likely to grow out of this question, took the matter in consideration, and on the 6th September, 1780, passed resolutions, from which, the following are extracts :

"That it appears advisable to press upon those States which can remove the embarrassments respecting the western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire, without endangering the stability of the confederacy, &c. And that it be earnestly recommended to those States who have claims to the western country, to pass such laws, and give their delegates in Congress such powers as may effectually remove the obstacle to a final ratification of the articles of confederation, &c."

By a further reference to the journals of the old Congress, we find the following resolution, passed the 10th October, 1780 :

"*Resolved*, That the unappropriated lands that may be ceded to the United States by any particular State, pursuant to the recommendation of Congress, of the 6th of September last, shall be disposed of for the *common benefit* of the United States."

Again, in April, 1783, after the cession from New York, but before the cession from Virginia, the old Congress adopted the following resolution :

"*Resolved*, That as a further mean, as well of hastening the extinguishment of the debts as of establishing the harmony of the United States, it be recommended to the States which have passed no acts towards complying with the resolutions of Congress of the 6th of September and 10th of October, 1780, relative to the cession of territorial claims, to make the liberal cessions therein recommended, and to the States which may have passed acts complying with the said resolutions in part only, to revise and complete such compliance."

These historical incidents are important, as tending to show the views and feelings which prevailed at that time, in regard to this measure—the motives and inducements which led to the surrender, by those States claiming lands ; and the objects and purposes designed to be accomplished, by those States demanding the surrender.

It is very evident, from the very language of the resolutions, both of the old Congress, and the States insisting upon a surrender, that their object was not only to secure peace and harmony, but to create a permanent common fund, for the payment of the debt then incurred, and to be incurred, in the prosecution of the war.

By examining the deeds of cession from the States which surrendered their waste lands, we find another condition inserted in every one of them—a condition accepted by the confederation, and which has accordingly become a part of the contract. This condition was, that these lands were to constitute a fund, *to be used for the common use and benefit of all the States that then were, or might afterwards become, members of the confederacy—the ceding States inclusive*. Let us examine the deeds of cession.

In the deed of cession from New York, which was first in point of time, and which bore date February, 1780, we find the following language :

In exchange
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"And we do by these presents, in the name of the people, and for and on behalf of the State of New York, and by virtue of the power and trust committed to us by the said act and commission, cede, transfer, and forever relinquish to, and for the *only use and benefit* of such of the States as are, or shall become parties to the articles of confederation, all the right, title, interest, jurisdiction, and claim of the said State of New York, to all lands, territories," &c., "and to be granted, disposed of, and appropriated in such manner as the Congress of the said United or confederated States shall order and direct."

In the deed of cession from Virginia, which followed next, and which bore date March, 1784, we find the following :

"That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the beforementioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a *common fund for the use and benefit* of such of the United States as have become, or shall become, members of the confederation, or federal alliance of said States, Virginia inclusive, *according to their usual respective proportions in the general charge and expenditure*, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatever."

The deed of cession from Massachusetts, which bore date March, 1785, declares that her delegates, "by virtue of the power and authority to them committed,"

"Assign, transfer, quit-claim, cede, and convey to the United States of America, *for their benefit*, Massachusetts inclusive, all right, title," &c., and conclude by declaring that the cession is made "*to the uses*, in a resolve of Congress, of the 10th day of October, 1780, mentioned."

In the cession from Connecticut, which bore date September, 1786, her delegates,

"Assign, transfer, quit-claim, cede and convey, to the United States of America, *for their benefit*, Connecticut inclusive, all the right, title, interest, jurisdiction and claim which the said State of Connecticut hath," &c., "for the uses" in a before "recited act of assembly declared."

The uses mentioned in the act of assembly referred to, were "for the *common use and benefit* of the said States, Connecticut inclusive."

The deed of cession from South Carolina, which bore date, August, 1787, declares, that her delegates do

"Assign, transfer, quit-claim, cede and convey to the United States of America *for their benefit*, all the right, title, interest, jurisdiction, and claim which the State of South Carolina hath, in and to the before mentioned and described territory."

The cession from North Carolina, which bore date, February, 1790, declares,

"That whereas, the United States in Congress assembled, have repeatedly and earnestly recommended to the respective States in the Union, claiming or owning vacant western territory, to make cessions of part of the same, as a further means, as well of *hastening the extinguishment of the debts* as of establishing the harmony of the United States"—"therefore her senators convey, assign, transfer, and set over to the United States of America, for the benefit of the said States, North Carolina inclusive, all the right, title and claim, which the said State hath to the sovereignty and territory of the lands, &c."

The same being in virtue of an act of the General Assembly of the State, which declared,

"That all the lands intended to be ceded by virtue of this act, to the United States of America, and not appropriated as before mentioned, shall be considered as a *common fund for the use and benefit* of the United States of America, North Carolina inclusive, according to their respective and usual proportions in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever."

In the deed of cession from Georgia, which was the last, and the only one executed after the adoption of the Constitution, bearing date, April, 1802—it is also expressly stipulated, that the lands ceded shall be

"Considered as a *common fund for the use and benefit* of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose."

By comparing the resolutions of the old Congress, before cited inviting

the States to make these cessions, with the language used by those States in their deeds of cession, we are enabled to discover the motives which induced the States to make these patriotic sacrifices. We shall see, that the object, to use the language of the act of Assembly of North Carolina, was "as well for hastening the extinguishment of the debts, as for establishing the harmony of the United States." Those debts having been extinguished, and the primary objects of the cessions having been accomplished, we must recur to the deeds of cession, in order to ascertain what ultimate disposition, the States contracted to be made of these lands.

The deed of cession from Virginia, which was the most important, in consequence of the greater amount of territory conveyed, expressly stipulated, that the lands ceded should "be considered as a *common fund for the use and benefit* of such of the United States as then had become, or should become, members of the confederation or federal alliance of said States, Virginia inclusive, *according to their usual respective proportions in the general charge and expenditure*, and should be faithfully and *bona fide* disposed of for that purpose, and *for no other use or purpose whatever.*" And it is a little remarkable, that almost the identical same language should be used in all the deeds of cession. They all stipulate, that the lands ceded should be for the *common use and benefit* of the United States. Why should the ceding States have so expressly stipulated, that these lands were to be held as a *common fund, for the common use and benefit of all the States*, if the grant was unqualified and unrestricted? If it was intended that these lands should become mere national property, the proceeds of which were to go into the national treasury, for the ordinary support of the Government, in all future time, a formal grant in general terms would have been sufficient: and why insert the express provision, that they should be held *for the common use and benefit* of all the States? If a full and unconditional power over these lands was intended to be conveyed, why should each State have expressly provided, that this common fund should be disposed of for the common use and benefit of all the States, *the ceding State inclusive*? For if it was simply intended that the lands should become general property, go into the general treasury, and support the General Government, each State, as a member of the confederation, would have received its benefit and advantages, *as such*, without the insertion of a clause *inclusive* of itself. Why should each State have expressly stipulated, that the lands should enure to the use and benefit "of such States as might *thereafter* become members of the confederation," if it was intended that the proceeds of these lands should always continue to defray the expenses of the general treasury? Had this been intended, each and every State that might ever become a member of the federal alliance, would have received its *benefit*, in the exemption these lands would have afforded from other purposes of taxation—had no clause been inserted, extending the *use and benefit* of this fund to such States as might *afterwards* become members of the confederation.

It will not be pretended that these stipulations mean nothing. It is paying a poor compliment to the wisdom and sagacity of our fathers, to say that they are mere idle verbiage. If they mean any thing, what *do* they mean? What *can* they mean, except that the States intended to restrict the action of the General Government, in the disposition of these lands—and that the balance, after the "extinguishment of the debts" then incurred, and to be incurred, should be so disposed of, that each State should receive its individual and separate share of the common use and benefit resulting from their application?

But the States of Virginia and North Carolina not only ceded their lands upon condition that they should be disposed of for the common use and benefit of all the States, themselves included; but they have expressly provided the standard, by which each State is to receive its *quota* of the benefit.

They declare, that it shall be "according to their usual respective proportions in the general charge and expenditure." In order to the proper understanding of this clause, we must recur to the history of the time. It is well known that during the old confederation, the taxes necessary for the common support of the war of the revolution, were not collected directly from the people, by the compulsory action of the general Congress, but by requisitions on the States—each State furnishing the quota required, according to its resources and ability. The "general charge and expenditure" mentioned, means, as every one must know, that incurred by the war of the revolution. It was then very easy to ascertain, exactly, what each State furnished towards the common cause. And when this clause was inserted, it was in utter ignorance, that the debts incurred by the States in this common struggle, would afterwards be assumed by the Federal Government—and under the impression, no doubt, that each State would have to contribute to the payment of its own debts contracted, and expenses incurred. This "general charge and expenditure" clause, then, not only goes to show, that the principal object which induced to the surrender of the lands, was the extinguishment of the revolutionary debt—but it lays down the principle, according to the manner of taxation which then prevailed, how the States were to be compensated for their several sacrifices in a common cause.

The States, then, ceded, and the Federal Government received, these lands for a certain object, and under certain conditions. And that object having been accomplished, both in the "extinguishment of the debt" of the revolution, and in the restoration of "harmony"—the want of which arose from the fear of the smaller States, of the overshadowing power of the large States which held these lands—the question arises, what shall be done with the balance of this fund.

The honorable gentleman from Maine (Mr. CLIFFORD) who addressed the House on this subject, took the position, that the debts of the revolution exceeded one hundred millions of dollars, and that, as the income from the lands, after paying the expense of purchase from the Indians, survey, and sale, fell far short of that amount—the lands were still in debt to this fund, even according to the argument of the friends of this bill. Admitting the gentleman's premises to be correct, still it does not alter the case. If the lands were ceded for a specific purpose, subject to some other disposition after the accomplishment of that purpose, according to the rules of fair construction, this latter disposition should be made, *as soon* as the first purpose is consummated. The General Government's using other funds, and resorting to other means, to pay the debt of the revolution, does not authorize it to make some disposition of these lands, other than that for which they were ceded. If the debt of the revolution, to the payment of which these lands were pledged, did exceed so far the amount arising from the sales of these lands—still, how was it paid off? Why, by taxes collected from the people of the States. They surrendered their lands to the Federal Government to pay a common debt. The gentleman from Maine says the proceeds of the lands have fallen short by millions. And yet he argues, that because the Federal Government has imposed other burthens upon the States, to pay that debt, that, therefore, the lands are not to be applied to the ultimate purpose stipulated, after the payment of the debt. So far as regards a legal compliance with the terms of the contract, the General Government is bound to dispose of the lands according to the terms of the agreement, whether that contingency arrives sooner or later. So far as regards equity and liberality, the fact, that other burthens have been imposed to pay the debt of the revolution, is an additional reason, why these lands should be disposed of as soon as possible, according to the terms of the deeds of cession. And that is, "to dispose" of these lands among the States, as near as may be, "according to

their usual and respective proportions in the general charge and expenditure." Since the method of raising taxes has been changed from what it was when the deeds of cession were made; since we cannot ascertain *exactly*, what each State contributes to the support of this Government; we must adopt the same principle which would apply in a court of chancery, and come as near to it as the nature of the case will admit. And I know of no better standard, than that which has been adopted in this bill—that of federal population.

The gentleman from Maine [Mr. CLIFFORD,] and the gentleman from Virginia [Mr. WISE,] took the ground that the right of the General Government "to dispose" of these lands, was derived under the Constitution; and that, as the Constitution was adopted after the deeds of cession were made, that, therefore, any revisionary interest, which the States might have had in the lands, must be considered as cancelled. Now, sir, what says the Constitution? The 3d section of the 4th article of the Constitution declares, "The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States; *and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.*"

Now, from this latter clause, "securing the claims of any particular State," following in the same sentence, with that prescribing the power of this Government in regard to the public lands, it would seem that it was inserted for the express purpose, of securing to the States any right which they may have had, before the adoption of the Constitution. How can the gentleman from Maine insist, that the power of the General Government to "dispose" of these lands is absolute and unlimited, when there is a saving clause, declaring that the claims of no "*particular State should be prejudiced*" by any thing in the Constitution?

As to the lands acquired by purchase, I admit the authority of this Government to dispose of them is absolute, except so far as it is restrained from applying them to any purpose, which it is forbid to accomplish, by the Constitution; and this admission of the gentleman from Maine, I will use for my own purpose, when I come to speak of the lands acquired by purchase. But the gentleman is compelled to make his argument a very convenient one. For the purpose of rebutting the claims of the States, he insists that their rights, if they ever had any, were cancelled by the Constitution, and that the right to "dispose" of the territory of the United States, places this matter under the absolute and unconditional control of this Government. And yet, for the purpose of answering the argument of those who advocate distribution, upon grounds of expediency, he immediately replies, that the right "to dispose of the territory," mentioned in the Constitution, is a qualified right, and must be limited, by confining it to a disposition for the purpose of paying debts, and not of distribution among the States. The gentleman is compelled to change his ground, to meet arguments based upon different views.

As to the lands acquired by cession, I have attempted to show that the power of Congress to "dispose" of them must be qualified, by limiting it to such disposition, as will not "prejudice the *claims* of any particular State." Those *claims* are, that, since the accomplishment of the purposes for which they were ceded, they must be held as a common fund, for the common use and benefit of all the States. And the nearest practicable standard, by which we can judge of "their usual and respective proportions in the general charge and expenditure," is that of federal population.

Now, let us look at the lands acquired by purchase, including all the lands west of the Mississippi, and the Territory of Florida. And here I take the argument used by the gentleman from Maine, for the purpose of proving that the revisionary claim of the States, under the deeds of cession, was abrogated by the adoption of the Constitution. That argument was, that the power "to

dispose of, and make all needful rules and regulations respecting, the territory of the United States," conferred full and absolute power over the subject; which argument, it will be recollected, he himself afterwards controverted, when he attempted to show, that the power to dispose of, was limited to the power to dispose of for the purpose of paying debts. I adopt the gentleman's first argument, so far as relates to the lands acquired by purchase, and take issue with him, as applied in the latter case. The right of Congress "to dispose of, and make all needful rules and regulations respecting, the territory of the United States," is unlimited and unqualified, except so far as it is restricted by "any claims of any particular State;" and other restrictions arising under the Constitution, which would prohibit Congress from applying these lands to any purpose expressly forbidden in that instrument. For instance, Congress could not give these lands to the States for the purpose of endowing any particular church; for the Constitution expressly declares, that no religion shall be established by law. Congress cannot divide the proceeds of these lands among the States, for the express purpose of supporting troops, or building vessels of war; because these powers are expressly denied to the States by the Constitution. Congress cannot entail these lands, in perpetuity, upon any privileged class; for the Constitution expressly prohibits the establishment of any order of nobility. The end being prohibited, the means necessarily must be. Subject to these restrictions only, the power of Congress over the public lands acquired by purchase, is unlimited. And if I am answered, that Congress can exercise no power but what is expressly granted, and that there is no grant in the Constitution to distribute the proceeds of these lands; my reply is, that the purchase of this vast territory has generally been considered by all men, of all parties—even Mr. Jefferson himself—to have had no warrant in the Constitution. Here, then, is a case not within the perview and provisions of the Constitution; and we must manage the relations growing out of it, in accordance with the *spirit* of the Constitution, the principles of equity and of compromise, and in pursuance of the purposes which induced to its happening. What is the *spirit* of the Constitution? It is one of equal benefits and equal burthens. And as these lands were paid for out of a common treasure, contributed to by common burthens; as there is no clause in that instrument, warranting the belief that the public lands ever were intended to be a source of revenue, exclusively; equity and compromise, and uniformity of system, would seem to require, that, like the lands acquired by cession, they should constitute a common fund, for the common use and benefit of all the States.

The gentleman from Virginia, (Mr. Wise,) took the ground, in his argument, on yesterday, that the General Government had never yet been reimbursed by the sale of these lands, for the expense incurred in their purchase, survey, and sale; and that, including the expense of Indian wars, the land fund was many millions of dollars in debt to the Government. Now, sir, is this a fair standard, by which to estimate the relative benefits and burthens, which the purchase of the western territory has entailed on this Government? What was the motive, which induced the General Government to purchase Louisiana and Florida? Was it one of pecuniary gain? Was it for the purpose of securing a fund to supply revenue? Was it with a view to lessen the burthens arising from the duties on foreign importations? Does any one believe—does the gentleman from Virginia believe—that such an idea ever entered the heads of those, who conceived and executed the project of purchasing Louisiana and Florida?

Mr. Wise. I do say, that one of the main objects which induced to the purchase of this territory, was its value, in a pecuniary point of view.

Mr. R. Then I can only express my surprise, that one who usually takes such liberal and comprehensive views of great questions of national policy, as the gentleman from Virginia, should look at this in such a narrow and con-

tracted light—as a mere matter of pecuniary speculation. No, sir; no such sordid calculating motive actuated those who administered the Government, when this vast territory was purchased. They were stimulated by far higher and more patriotic considerations. National safety, national honor, national glory was their aim. Here was an immense frontier, extending from the source to the mouth of the Mississippi, dividing us from numberless tribes of hostile Indians. Here was a limit placed to our power and civilization. Here was a foothold, from which the enemies of our country and our institutions might forever harass and annoy us. Here was an obstruction to the commerce of the great valley of the Mississippi. Here was the free and exclusive navigation of the great father of waters, not only denied us, but likely to prove a source of endless litigation. Here was a flourishing colony on our southwestern border, belonging to one of the mightiest powers of Europe, and that governed by the great captain of modern times, who threatened to subjugate the world to his dominion. By the purchase of Louisiana, all the dangers likely to result from these difficulties were averted—free scope given to the progress of our power, our institutions, and our glory, as far west as the Pacific; and an enduring fountain of prosperity, wealth, and comfort, opened to our enjoyment. These blessings cannot be estimated by dollars and cents. They can only be measured by national glory, which is beyond value and beyond price. As remarked by my friend from Maryland, (Mr. JOHNSON,) if this extensive territory had been as barren as Sahara's vast desert—yet, if the soil had been firm enough to bear the feet of an enemy, a hundred millions would not have been too great a price for its acquisition.

If, then, the object of the General Government, in the purchase of the western territory, was not pecuniary gain—as it certainly was not; if it has been more than a hundred fold compensated for the cost, in the acquisition of strength, power, safety, and glory, as well as other endless sources of revenue; why will you continue to talk about the cost of these lands, in dollars and cents? Why will you insist upon “disposing” of these lands in such a way as will reimburse the Government, in a pecuniary point of view, for the expense incurred in the purchase? This argument is based on the ground, that this Government, in all its great national movements, should be actuated by the sordid selfishness and exactness of calculation, of a broker at his counter, or a merchant on change.

If you wish to know whether this Government is reimbursed for the expense of the purchase of the western territory, go to the west, and behold the hundreds of steamboats, richly freighted with the commerce of a thousand streams, pouring their treasures into the great depot at the mouth of the Mississippi. Behold the mansions of elegance and comfort, gracing the margin of that noble stream. Behold the hands of civilization and enterprise, diffusing the blessings of comfort and of ease among thousands of our kindred freemen. Cross the great river, and behold your national banner floating from the spires of St. Louis. Listen to the anthems of our religion chaunted, where the nomad tribes that sweep the prairies, would have annoyed us with their endless forays. Behold your power and your civilization tending westward—your laws and your institutions scattering quiet and contentment in their progress. No, sir, you need not go to the west; cast your eye around this hall, and behold the members from the extreme west, from distant Missouri, from the burning clime of Louisiana, and the cold region of Maine, mingling in council, with their brethren of the Atlantic coast. Look at this, I say, and then see, if you can find in your hearts, to calculate all these considerations by a standard of dollars and cents. Then ask yourselves, if you will continue to talk about this land fund still being in debt to this Government.

The gentleman from Maine read to us a calculation, which, he says, was prepared at the Treasury Department, from which it appears, that, taking into

account all the expense of purchase, survey, and sale of these lands, together with the cost of Indian treaties and other Indian relations, there is a balance due the General Government of some fourteen millions of dollars, after striking a balance between this sum total of expense, and the whole amount received from the sales of these lands. Now, I have attempted to show, that the original purchase money should not be taken into account; that the object of the purchase was not pecuniary gain; that it was national safety, national convenience, national power and character; and that the Government has, in these respects, been compensated beyond the power of money to bestow. Neither ought the amount of the purchase-money paid to the Indians, to be included in stating this account. The object of these purchases from the Indians, was not solely to obtain their lands: much of it was paid for the purchase of peace, for the purpose of restoring safety and quiet on our frontiers. Much of it was paid to arrest the uplifted tomahawk; for affording to the pioneer the comfort of his home; for securing to infancy the quiet of its slumber; for arresting the starting tear in the anxious mother's eye. These are also beyond all price, and cannot be estimated by dollars and cents. The item of Indian relations, such as treaties, pensions, agencies, &c., ought not to have been included in this computation. Are the expenses attending these, in consequence of either the cessions or purchase of western lands? Certainly not, sir. If the old States had never ceded one foot of land, and all that vast territory were a waste wilderness, still we should have had a frontier extending from Lake Ontario to the Gulf of Mexico, with tribes of hostile Indians congregated on our border, requiring, at all times, the anxious attention of this Government. Suppose this Government had never purchased Louisiana and Florida, why, we should still have had a frontier extending from the Lake of the Woods to the mouth of the St. Mary's. We must still have maintained the same policy towards the Indian tribes; negotiated for their trade and friendship by treaty; purchased their quiet by presents and pensions; dealt with them by agencies, &c. So that, if we had never acquired the western domain, either by cession or purchase, this item of Indian relations would have been, to this day, a permanent annual charge upon the Treasury.

But if gentlemen will state the account, by an estimate of dollars and cents, let them do it correctly. Whilst the land fund is charged with many items of expense improperly, which never grew out of either cession or purchase, but which, as I have attempted to show, would have existed in the absence of either, one large item with which it should be credited, has been omitted altogether—I mean the bounties to our Revolutionary soldiers, and to the families of those who fell in the last war. These bounties, arising from our gratitude and justice, if not paid from these lands, must have been satisfied from some other source of revenue, and, to that extent, have saved the Treasury from a drain of—I know not exactly how much—but an amount of many millions. This calculation of the gentlemen from Maine and Virginia is entirely fallacious. It is based upon the idea, that every great question of national policy and national honor is to be measured by a standard of money—of dollars and cents. Their estimate savors too much of the counting-house, to receive countenance in the Representative Hall of the nation. I wish to take a more elevated view of this subject; I wish to look at it in connexion with the motives to that policy in our early history, which has led to our present greatness; and also in connexion with the results that are likely to flow from it, in time to come.

The gentleman from Maine insists, that the power to dispose of the public lands, means the power to dispose of them by sale, for the purpose of raising a revenue to support the Government. Where does he get such a rule of construction from? Does he derive it from any other clause of the Constitution? If so, where is it? Webster, in his dictionary, defines “to dis-

pose" as meaning "to apply to a particular purpose; to give; to place; to bestow; to part with; to alienate; to part with to another; to put into another's hand or possession." The gentleman's construction must then be entirely arbitrary—assumed merely to answer an especial purpose. He says this property belongs to the Government, and not to the Federal Union. The gentleman is correct, so far as relates to the lands acquired by purchase. They do belong to the Government, free of all incumbrance; and the Government being authorized by the Constitution to *dispose* of them, has the undoubted right, according to the definition of Webster, to "give, bestow, or part with" them to the States.

The gentleman from Maine took the ground, that this bill was unconstitutional: because said he, it does not propose a *disposition* of the public lands, but a distribution of revenue. The right "to dispose of" must mean the right to dispose of by sale, as in any other manner; and if, as he admits, the lands *belong* to the General Government, in the first instance, the money arising therefrom must certainly *belong* to it—and the Government, as well as a private individual, must have power to *dispose* of that which *belongs* to it, as well by distribution, as in the payment of debts. But, says the honorable gentleman, there is no repealing clause in this bill, to prevent the money arising from these lands being collected and paid into the Treasury, in the usual way—and that this money, when placed in the Treasury, loses its peculiar identity, and must partake of the same nature of that raised from "taxes, imports, and excises," which shall only be collected for the purpose of "paying the debts of the United States." This is a piece of refinement worthy a Virginia politician, and not at all suited to the practical utilitarian region of Maine. If I deposit a sum of money with an individual for safe keeping, he is absolved from his obligation, when he repays me the amount, in any currency which is a legal tender. If I consign my crop to a factor, with directions to apply the proceeds to the payment of a debt, and to pay over the balance, if any, to me, he complies with his engagement, by transmitting to me the amount, not in the identical funds obtained, but in any other money receivable by law. It is the identity of amount, and not of money, specially received, that imparts to the fund received from lands its peculiar character. Money acquires its importance, not from its intrinsic value, but from the purposes it will accomplish. The pensions granted to your revolutionary soldiers, and the bounties paid to your fishermen are gratuities—it is ridiculous to talk of their being debts, for a *debt* is that which you are under *obligation to pay*. Will the gentleman from Maine pretend, that no part of your revenue can be applied to these purposes, after it has been put in the Treasury, and has therefore partaken of the character of that raised from taxes and imposts, which he says can only be raised for the purpose of paying debts?

The gentleman took the ground—or most of his party did, who spoke upon the subject—that the \$25,000 which we voted to Mrs. Harrison, was a *gratuity*. Still, I presume, as the law has been passed, he thinks it right, she should be paid that amount of money. Will he insist that none of the money in the Treasury can be constitutionally applied to that purpose, because it has been raised from "taxes, imposts, and excises," which can only be laid for the purpose of *paying the debt* of the United States? And according to his position, that arising from the sale of the public lands can not be so applied, for as soon as it is put in the Treasury it loses its identity, and partakes of the character of that arising from the forementioned sources. The fallacy of such an argument must be apparent to every one.

But if he will be so strictly technical, in his construction of the Constitution, I ask him, where he finds the power to appropriate the proceeds of the public lands to the payment of the debts of the United States? The power to "dispose of the territory" of the Government, is a general one, qualified

only by the claims of particular States, and the general limits of the Constitution. The power to "lay and collect taxes, duties, imposts, and excises," is in another article of the instrument, and immediately precedes, and would therefore seem limited to, that "to pay the debts, and provide for the common defence and general welfare." It might be argued from this, that the Constitution never designed that these lands should be a source of revenue at all; and no one can believe that was the object of the Government, in purchasing Louisiana and Florida. Under the Constitution, the disposition of this fund is confided to the discretion of the Government, subject to the claims of the States. As to the lands acquired by purchase, since the adoption of the Constitution, the exercise of that discretion, would place them under the same system of disposal, which has been applied without distinction heretofore. When we purchased Louisiana and Florida, we had a land system in successful operation; the same system of extinguishment of Indian title, survey, and sale, has been applied without variation to both classes of lands. The country has flourished under it. All the great purposes contemplated by cession and purchase have been accomplished. Harmony, and the extinguishment of the revolutionary debt, have been effected by the first—and an unexampled progress of national strength and resources, by the last.

We now propose to subject the whole of these lands to one uniform system for all future time—as well for the purpose of again restoring harmony on this subject, as of re-paying to the States, something, for the sacrifices they have made.

The first lands were ceded for the purpose of paying the debt of the revolution, and were expressly appropriated to that purpose by the act of Congress, funding this debt, passed in 1790—almost contemporaneously with the deeds of cession. And if the lands never did pay off that debt, as insisted on by the gentleman from Maine, (Mr. CLIFFORD,) yet, it has been paid off by a common treasure, the proceeds of common taxes contributed by all the States. If the lands acquired by purchase have never paid off the millions incurred by Indian wars, Indian relations, the extinguishment of Indian titles, &c., as insisted by the gentleman from Virginia, (Mr. WISE,) yet, the balance has been paid by a revenue raised from taxes, the burthens of which have been felt by all the States.

I am by no means, however, to be understood as concurring with the estimates, of the gentlemen from Maine and Virginia, of the comparative *pecuniary* costs and avails of the Public Lands—even according to a strict counting-house calculation. I find in the National Intelligencer of this morning, a very able article on this subject, in the estimates of which I fully concur; and to an examination of which, I challenge the attention of those gentlemen, and of the whole country. From this it appears, that after stating the debits and credits properly applicable to them, there is a balance in favor of the public lands, of more than a hundred millions of dollars.*

*The following more detailed statement appeared in the Intelligencer of July 7th, the day after this speech was delivered, which the author inserts in preference to the one in that paper of July 6—because it goes more in details.

Estimate of the direct pecuniary benefits accruing from the Public Lands, and the cost of their management, to the 30th September, 1846.

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|---|---------------|
| By amount paid by the purchasers of the public lands, including United States stocks and land scrips of every description, exclusive of the purchase money of lands sold for the benefit of the Indians | \$120,149,085 |
| By amount of interest on the payments into the Treasury from the proceeds of the sales of public lands | 62,850,520 |
| By value, at \$1 25, of the lands granted to the States for school purposes, roads, canals, &c. 12,700,000 acres | 15,875,000 |

If gentlemen are disposed to enter into such a nice calculation about the proceeds and costs of these lands, let them recollect, the burthens have fallen upon the States, and that their sacrifices have been greater than beyond the power of any system to reimburse. While this General Government, as a nation, has been paid a hundred fold, in its increase of resources and greatness—the States, especially the old States, have lost power and consequence at home. It is true, the States, as integral portions of the Republic, share in the pride and glory of the nation—yet the very system, which has enriched this Government, has impoverished many of the old States, especially at the south. Their patriotism, their readiness, even to pour out their treasure for the support of this Union, has ultimately brought upon them poverty and decay. But it is not in the surrender of their lands, the payment of taxes for the purchase of other territory, their regular contributions in defraying the expense of the extinguishment of Indian title, in the survey, and sale of these lands; it is not in all these that their greatest loss has consisted. No, sir, it is in something far more valuable still. It is, that the opening a market for this western domain, has operated as a regular drain upon their most vital resources, depriving them of their enterprize, their intellect, their character, and their wealth. Whilst the new States have rapidly grown into opulence and power, the old States, especially in the south, have barely maintained

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|--|-----------|--------------|---------------|
| By value, at \$1 25, of the lands granted in lieu of money as bounties to the soldiers of the Revolutionary and late wars, 9,750,000 acres | - | - | 12,187,500 |
| By value, at \$1 25, of the "donations to individuals, exclusive of private claims," to 31st December, 1831, and exclusive of grants to the deaf and dumb, &c. being 224,558 acres | - | - | 280,697 |
| | | | <hr/> |
| To the credit of the public lands | - | - | 211,341,802 |
| To amount paid under the convention with France of 3d of April, 1803, for the purchase of Louisiana in money and stocks | - | \$15,000,000 | |
| To amount paid as interest on the stock up to the time it became redeemable | - | 8,529,353 | |
| | | | <hr/> |
| | | | \$23,529,353 |
| To amount paid for the purchase of Florida, under the treaty with Spain of the 22d February, 1819, | 5,000,000 | | |
| To amount paid as interest on the stock constituted by act of 24th May, 1824, to meet awards under said treaty, up to the time it was paid off | - | 1,489,768 | |
| | | | <hr/> |
| | | | 6,489,768 |
| To amount paid to the State of Georgia in money and arms | - | 1,250,000 | |
| To amount of Yazoo claims under act of 3d March, 1815 | - | 4,282,151 | |
| To amount of salaries and contingent expenses of the General Land Office to 30th September, 1840 | - | - | 1,379,520 |
| To amount of salaries and incidental expenses of the land offices, paid out of the proceeds of the public lands while in the hands of the receivers, to 30th September, 1840 | - | - | 3,611,993 |
| To amount of salaries of registers and receivers, paid by warrants on the Treasurer of the United States | - | - | 96,562 |
| To amount of salaries of the surveyors general and their clerks. Estimated, | - | - | 923,302 |
| To amount paid for surveying the lands which have been sold | - | - | |
| Estimated | - | - | 1,490,950 |
| To amount of 2, 3, and 5 per cent. funds from the periods when they first accrued | - | - | 4,599,913 |
| To amount of compensation made to Indians for the public lands. Estimated | - | - | 21,669,524 |
| | | | <hr/> |
| | | | 69,323,036 |
| | | | <hr/> |
| Balance to the credit of the public lands | - | - | \$142,018,766 |

their position. I know not how it may be in the northern Atlantic States, as I have never visited that region; but let any one travel throughout the south, and he will see my position is correct. He will see the very soil, consecrated by having been the battle grounds of the revolution, being fast converted into its original waste. He will see that the descendants of the very men who originally subdued the soil, and of those who afterwards rescued it from British power, have, like the Aborigines themselves, deserted the graves of their fathers, for a more propitious clime. He will see nothing calculated to enliven his feelings, or exalt his hopes, as to our future destiny. He will see the foot-prints of ruin and desolation in every direction. He will see our once fertile, but now barren fields, choked up with briars, or browsed by the lonely herds. He will see the remnants of mansions, once the abodes of refinement and gaiety, now tumbling into dilapidation and ruin. He will see the neighboring trees, under whose quiet shade, their once happy tenants reclined, withering and decayed. He will see the very graves of their once proud owners, either without enclosures, or the plough of some neighboring cottager, trenching on their confines. He may find some aged servant of the family, lingering around the home of his early days, and if he ask him, where are the sons and grandsons of the former owners of these possessions, he will receive for an answer, "they are all gone to the far west."

This is no picture of fancy, but a statement of fact. I do not complain of this, sir. I know it is the nature of man to pursue that course which will secure to enterprize its highest reward. I know it is impossible to retain our population on our barren and exhausted lands, while the vast west presents her fertile and virgin soil. This resistless tide of emigration will sweep on, and must sweep on, till the Rocky Mountains are sealed, and civilization has planted her standard on the shores of the Pacific. But I do insist, that, as the old States, by their bounty, and the contribution of their treasure, have provided the very means of their own decay—now, in this day of their decline, you should not forget their former sacrifices, but that you should bestow upon them a portion of the means which they have put at your disposal, for the purpose of partially restoring their prosperity.

The position has been frequently taken in this debate, and it was pressed by the gentleman from Georgia, (Mr. ALFORD,) that this distribution is a gratuity, and that we have no right to *give away* these lands, or their proceeds to the State governments. It is too late to raise this argument, even if it were well founded. Has not this Government uniformly given to the new States, on their admission into the Union, every sixteenth section of all the land within their limits, for the purposes of education? Has it not granted to them tens of thousands of acres, as sites for public buildings, for charitable institutions, &c.? And if this Government has the right to give away a portion of the public lands to the new States, has it not a right to give them the whole? And if it has the right to give the whole to the new States, has it not a right to divide them equally by gift among all the States? The gentleman from Georgia is estopped from using this argument, by the uniform practice of the Government, ever since the land system first went into operation. Again, the party which is so much opposed to this measure, have mostly been in favor of a graduation of prices, by which the price of the land is to be gradually lessened, after it has been so long in market; and that the lands less valuable are ultimately to be *given* to the States in which they lie. If this Government has a right to sell these lands for less than their value, it has the right to bring down the price of all to a mere nominal sum; and if it has a right to give away the lands, after they have been so long in market, it must have the right to give the whole of them away, in the first instance. So we see, that the power of this Government to give away the proceeds of the public lands,

is recognised, not only by the uniform practice of the Government, but by the uniform course of the very party who now oppose this measure so strenuously. As to the power of Congress to dispose of these lands, and to do so, not for the purpose of revenue, I will give an authority from one, whose word has long been as potent with the present opposition party, as is the language of the Koran with the followers of Mahomet. In his annual message of December, 1832, President Jackson, says :

"As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people," &c. "It seems to me to be our true policy that the public lands shall cease as soon as practicable to be a source of revenue," &c.

This authority, I commend especially, to the consideration of the gentleman from Maine, (Mr. CLIFFORD.)

It appears from the report of the Secretary of the Treasury of July 10, 1841, that donations of land to the amount of millions of acres have been made to the new States, for the purposes of their domestic improvements.* Now, sir, I do not find fault with this. I am not one of those who look with jealousy, upon the rising glory and power of the west. Far from it. The west is a part of my country—her citizens are my fellow countrymen, and many of her champions of intellect and learning, are scions transplanted from the soil of my own State. My heart leaps with joy, whenever I look at the map, and behold my country—which, but sixty years since, consisted of a belt on the Atlantic coast—stretching half across this broad continent, and adding fresh lustre to the American name, in proportion to its progress in strength and greatness. Still, when I contemplate the rising prosperity of the flourishing west, I am the more forcibly reminded of the decay of my own Atlantic region. And after all, I love the old North State, the land of my nativity, and my home, better than any region under the sun. Her rights and her interests demand my first regard. Sir, we are willing you should

*In the report of the Secretary of the Treasury of July 10th, 1841, we have the following :
Exhibit of the quantity of land granted to each of the States and Territories, and the purposes for which granted, stated in acres.

| States and Territories. | Granted for Colleges, Academies and Universities. | Granted for roads and canals. | Granted for seats of Government, and public buildings. | Granted for salines. | Aggregate quantity granted to each State and Territory, exclusive of the 16th sections. |
|-------------------------|---|-------------------------------|--|----------------------|---|
| Ohio, | 69,120 | 1,050,287 74 | - - | 23,680 00 | 1,143,087 74 |
| Indiana, | 46,080 | *783,209 72 | 2,560 | 23,040 00 | 854,889 72 |
| Illinois, | 46,080 | 480,000 00 | 2,560 | 121,629 68 | 650,269 68 |
| Missouri, | 46,080 | - - | 2,449 | 46,080 00 | 94,609 00 |
| Alabama, | 46,560 | 400,000 00 | 1,620 | 23,040 00 | 471,220 00 |
| Mississippi, | 46,080 | - - | 1,280 | - - | 47,360 00 |
| Louisiana, | 46,080 | - - | - - | - - | 46,080 00 |
| Michigan, | 46,080 | - - | 13,200 | 46,080 00 | 105,360 00 |
| Arkansas, | 46,080 | - - | 10,600 | 46,080 00 | 102,760 00 |
| Florida, | 46,080 | - - | 1,120 | - - | 47,200 00 |
| Wisconsin, | 46,080 | 171,200 00 | - - | - - | 217,280 00 |
| Iowa, | 46,080 | - - | 640 | - - | 46,720 00 |
| | 576,480 | 2,881,697 46 | 36,029 | 329,629 68 | 3,826,836 14 |

*The State claims, in addition to this quantity, an equivalent for 24,290 acres and 14-100dths, covered by Indian reservations in fee simple, which will require a confirmatory act of Congress, for which the State has applied.

The foregoing is exclusive of the 16th section granted for education.

lavish your bounty on the new States—but, we insist, that in distributing your blessings, you should not forget our sacrifices and our services, in the hour of peril. We ask for nothing but an equality of benefits, as we have to bear an equality of burthens. And as the lands were first ceded, for the purpose of “restoring harmony,” as well as paying off the revolutionary debt—we now insist, for the purpose of restoring harmony on this vexed question, that they shall be disposed of, *for the common use and benefit* of all the States. This, the bill under consideration proposes, by dividing annually, the proceeds of their sales among the States of the Union, in proportion to their federal population.

Mr. Chairman, by what principle of justice is it, that the new States should be so highly favored by this Government, by heavy and constant donations of this land, and the old States should receive none? It is around the old States that cluster all the associations of our early history, and of our national origin. The old States constituted the nucleus of the Union, they fought the battles of the revolution, they furnished the heroes and sages of that trying period, whose bones now lie inhumed in their soil. They first gave you a portion of the lands, and afterwards purchased others, with their common treasure. And will the new States, can they forget all this, and refuse to the old States, a portion of the benefits arising from this fund? Will the new States which have been nourished by our kindness, now, when they have grown strong, treat the old States as children treat their parents in some parts of India, when the latter have become old and infirm—put them to death? I appeal to the members of the new States, and ask them if they will be guilty of such ingratitude as this.

The gentleman from Georgia, (Mr. ALFORD,) and the gentleman from Pennsylvania, (Mr. BROWN,) both took the ground—that this bill would strike a blow at the rights of the States—that the States would become supplicants for the bounty of this Government. I think entirely different. It will probably strengthen the attachment of the States to this Union, because they will have an additional interest in adhering to it. But then, they will speak in the language of demand to this Government, as their agent, when asking, not for its bounty, but their rights. They will have a different inducement, to see that the expense of this land system shall be placed on the most economical system—instead of being a corruption fund for political purposes. They will have a new motive, to see that this Government shall be administered with the most rigid economy, lest an extravagant expenditure may create an excuse, for withdrawing these lands from the operation of this system. Above all, the States will be strengthened, by a proper application of their distributive shares, to resist the encroachments of this Government—whose means of mischief will also be lessened by the abstraction of this fund. The passage of this bill will weaken the Executive arm, and so far it will strengthen the rights of the States. Why will it weaken the Executive arm? Because the public lands will cease to be a party question. The Executive will be unable to gain influence, by giving the sanction of his name to new and deceptive measures. He cannot wink at the malpractices of the officers engaged in this system; for the States will have an interest, in holding them to accountability. He cannot connive at the reservation of *docuurs* to his friends, in the negotiation of Indian treaties; for as the States would be the losers, they would hold him responsible. He cannot force into market, without notice, and without demand, large quantities of the public lands, to affect the local elections, or to benefit his speculating friends. Such conduct would arouse the indignation of the States, the fear of which would operate as a check upon him. This bill then, so far from weakening State rights—will, in my judgment, strengthen the power of the States, to assert their rights. The gentleman from Virginia, (Mr. GILMER,) rested his objections to this

bill, on the ground, that there was now a deficit in the Treasury—and that he considered it bad policy to distribute revenue, when we wanted revenue. Sir, I am willing to admit, that if I felt sure the present system of selling the public lands, could go on quietly—if it were possible to keep this subject out of the great presidential vortex, that is swallowing up every matter of legislation, I would postpone this measure, to a future season, at all events, till there should be no debt to pay. But I should be blind to the passing events before me, if I did not see, that unless this bill is passed now, it never can become a law. Fail to adopt some permanent system, for the disposition of the public lands, and they will become so much political stock, with which selfish politicians will attempt to buy up the votes of the western States for the Presidency. What did we witness in the Senate at the last session? Divers plans, for the purpose of making these lands available, as so much political capital. There was a plan for giving them to the States in which they lie, under the guise of *cession*. There was the plan to throw open all the choice portions of these lands to depredators and foreigners, at the minimum price, under the name of *prospective pre-emption*. There is also the plan pressed from year to year, to render the inferior lands valueless, by the operation of *graduation*, after having given away the prime lands at the *minimum* price. In addition to this, the demands of the new States, for a voluntary surrender to them, of all the lands within their limits, are growing louder and louder every day. Wait till the representative comes here from the west, under the next apportionment, by the late census—and they, united with the opposition party from the old States, who seem resolved their States never shall receive any benefit from these lands—will dictate law to you on this subject. They will demand all the lands as a gratuity. Some presidential aspirant will be ready to lead the van, and these lands will cease forever to be a source of either revenue or distribution. Now, now, is the time, for *all the States* to get justice. The majority of the members of this House *must* believe, that the passage of this bill, is one of the great measures of reform, which the people expect at our hands—and if this House will not pass it, under a sense of this responsibility, it is useless to expect it, after the hopes of the country have resulted in disappointment.

I was most surprised at the course pursued by the Hon. gentleman from Georgia, (Mr. MERRIWETHER.) He made an argument in favor of this measure—a very good one too—and yet gave notice he should vote against it. And why? For the same reason, that General Jackson gave for vetoing this measure in 1833—because ten per cent. is to be allowed to the new States, over and above their distributive shares. Then the gentleman is determined, that if he cannot get all he may think Georgia entitled to, he will have nothing. He is resolved, that sooner than settle permanently this question now, by the only compromise which is likely to ensure its success—he will forever leave these lands a prey to political speculators, and the inordinate demands and grasping policy of the new States. I have no idea, the measure can ever succeed, without this provision granting ten per cent. to the new States. Although I would have left out this provision, had I possessed absolute control over the subject, yet, I have no disposition to cavil about it. The new States are subject to many difficulties and privations, to many heavy expenses in conducting their internal governments, with a sparse population and an unimproved country. By the terms of their entrance into the Union, the Government lands are not subject to State taxation for five years. I have no wish then, to exercise the rigid policy of step-mother, towards the new States of the west. Let them have the ten per cent. A proper expenditure of it, will only serve to enhance the value of the neighboring lands, which will ultimately enrich *our* coffers. Whether this principle of extra donation to the new States, be founded in good policy or not—it has been coeval with our

present land system; it has become the settled policy of this Government; it is indispensable to the success of the measure—and in public, as in private life, we must adapt our action to things as they *are*, and not as we would have them to be. Does the gentleman prefer that Georgia should get nothing, rather than get all she ought to have? Is he not willing for the sake of harmony, that Georgia should yield something, to enable her to obtain her rights?

But is there no just ground for granting this ten per cent. to the new States? If it is the object of this bill to operate equally on all the States, there will be found to be no inequality after all; if any, it will, in less than ten years, be found operating against the new States. According to this bill, the distribution is to be made, by apportionment under the census of 1840. By 1850, the population of many of the new States will have more than doubled; while that of the old States will probably remain stationary. This process will continue; by 1850 the new States with their additional ten per cent. will hardly receive their proportionate share, according to the ratio of the census of 1840.

The bill is presented to us, as one of compromise. No friend of the measure, will pretend, I presume, that it is perfect in all parts. This is not to be expected. In a country of such extent, and diversified interests as ours, it is not to be expected that any great system, affecting the interests of all, can be devised, without conciliation and compromise. Each section must yield something, in order to secure a measure, which will obtain the sanction of the whole. While some gentlemen from the old States object to this bill as yielding too much to the new States—others from these last, object to it, as yielding too little. How can they meet, except on a medium ground? How can the Government itself exist, unless gentlemen will yield something of sectional interest, for the good of the *whole country*? Although I am not in favor of the pre-emption system—which has been made a ground of objection by some—as a substantive measure, yet I know it is a favorite one with the people of the west. It is one which they will not willingly surrender. In framing a great system, intended to be permanent in its character, and affecting their interests as well as ours, their views and their feelings must be consulted. Not only because it is right and proper, but because their power is too great to be unheeded.

The gentleman from Virginia, (Mr. WISE,) objects most strenuously to this bill, because, as he says, it recognises and revives the exploded doctrine of internal improvements in the States, by the General Government. So far from it, it appears to me, to be eminently calculated to put an end to it forever. As long as such heavy expenditures are annually made, for the defences of the Atlantic coast—properly made too—the people of the west will never cease their demands, to have some portion of the public money expended in improving the channels of navigation and commercial intercourse in their own region: unless they have placed within their control, the means of doing it themselves. As they increase in numbers, their demands will also increase; and as they grow in power, you will be the less able to resist their applications. I am not speaking of what this Government *ought* to do; but what, in all probability it will do. I am looking to the future, not with an *abstract*, but with a *practical* view. By distributing the proceeds of the public lands among the States, you will relieve the General Government from the constant and annoying demands of the States, for internal improvements within their borders. You will enable the States to carry on their own improvements, in their own way, and subject to their own management and control. You will thus increase the power and consequence of the States; whilst you will weaken the centralizing influence of the Federal Government, in the exercise of this doubtful, dangerous, and inconvenient power of internal improvement.

The gentleman from New York, (Mr. McKEON,) drew a vivid picture of what he termed the crouching servility, and degradation of the States; as they would annually present themselves, by begging for the bounty of this Government. Now, which is most degrading—demanding their rights, in order to enable them to carry on their own improvements, in their own way; or beseeching this Government, year after year, to extend its sovereign power within their limits, for the purpose of improving their internal condition? Which is most calculated to elevate the character and tone of feeling, in the States of this Union—to receive that which rightfully belongs to them, under the regular operation of a permanent system, to be applied in such way as their own wisdom may suggest; or to be annually engaged, through their representatives here, in obtaining from Federal authority, by every species of legislation intrigue and management, the expenditure of a small pittance of its treasure within their limits? Did the gentleman from New York, never vote for appropriations to improve the navigation of the Hudson river, or the harbors on the lakes? The gentleman shakes his head—then if he has not, his colleagues of the party to which he belongs, have; and the late President, the head of his party, annually signed bills, appropriating hundreds of thousands of dollars, to the improvement of rivers in the interior. According to the argument of the gentleman from New York, it is degrading to the States, to effect their own improvements, with means which they receive as a matter of right; whilst there is nothing humiliating, in their asking this Government to do it, as a matter of favor. This is decidedly a States rights measure. It recognises the surrender to the States, of that which rightfully belongs to them; while it will further enable them, to develop their resources; relieve their citizens from the burthens of domestic taxation; strengthen their power; and the better enable them, to maintain all the other rights, reserved to them by the constitution.

This bill has been objected to,—and the point has been strongly urged by the gentleman from Virginia, (Mr. WISE)—on the ground that it was a virtual assumption by this Government, of the debts of the several States. How can this charge be seriously made? I know of no friend of this bill here, no not one, who advocates such assumption. Does not the bill leave the States free, to apply their quotas “to any use or purpose,” which they, in their judgment, may think proper? Are none of the States to receive their distributive shares, except those that are in debt? North Carolina owes no debt; she is therefore the more fortunate, in being able to apply her share, to improving her channels of commerce; removing the obstructions which gird her sea-coast; uniting her eastern and western borders; bringing down the products of her mountains to her Atlantic depots; and in preventing the productions of her soil from being transported to other States, to enrich other communities, which feel no sympathies in common with her. She wants her share, to enable her to educate her children; to perfect her system of common schools, which she is just carrying into operation; and thus bring to her service all the native intellect within her limits. She wants it to enable her to complete the draining of her millions of acres of swamp lands; to convert these waste morasses into fertile fields; and thus offer to her enterprising citizens, some inducement to remain on their native soil, instead of emigrating to the distant west.

This bill contemplates no assumption of State debts. It is true, it leaves to the States, the right to appropriate their shares to the payment of their debts, if they owe any—and to that extent, it will relieve their citizens from the payment of taxes, to discharge the annual interest on those debts. Whether the States acted wisely or unwisely in incurring debts, is not the question we have to decide. Whether they apply their shares of the proceeds of the lands, to internal improvement, to education, or to the payment of their debts,

is a matter for their own sovereign consideration. No State-rights man can question their right to dispose of it as they think proper. But, sir, is not this distribution bill the best system that can be devised, to prevent the assumption of the State debts, by this Government? Is not this idea of assumption beginning to gain favor in those States that are heavily in debt? Let this doctrine once be openly avowed and advocated, by those seeking popular favor, and it will sweep away every obstacle in its progress—in those States that are heavily in debt. It will produce a harvest of demagogues, whose appeals will be made to the selfishness, and not the patriotism of the human heart; whose cry will be “relief from taxation”—and he knows little of the nature of the public mind, who does not see, that this doctrine will sweep like a tornado over those States, whose citizens would be relieved by its practical application. The people will be told, that this Government is unjustly withholding from the States, that which belongs to them—and that, as it will not enable them to pay their debts with their own money, it should assume the debts itself. And the result of such assumption would be, that the States which owe no debts would have to bear the burthens of paying the debts of others. North Carolina would be taxed to pay the debts of Pennsylvania, Maryland, and the other indebted States. I am utterly opposed to the assumption of the State debts, by the General Government—and I believe this system the best that can be devised, to prevent the agitation and adoption of such a project. Distribute the proceeds of your public lands among the States—those States that are in debt, in consequence of having already improved their internal condition, will be enabled to relieve their citizens from the heavy taxation to which they are now subjected, in order to pay the interest on their debts: and our country will be saved the disgrace abroad, arising from the refusal of any of the States, to pay those debts for which their honor and character are pledged. You will thus take away every ground of excuse, for advocating assumption by this Government; you deprive demagogues of the weapons, with which they will attack the friends of the constitution; and you save the country from the reproach of a noncompliance with its solemn obligations.

The argument mostly relied on in opposition to this measure, during this debate, is, that, by abstracting the proceeds of the public lands, we create a necessity for additional duties on foreign imports, for the purpose of supplying the Treasury. I have attempted to show, and I sincerely believe, that whether you distribute the proceeds from lands or not, they will soon cease to be a source of revenue at all. They will either be brought down to a mere nominal price, barely sufficient to defray the expense of survey and sale; or they will be voluntarily yielded to the demands of the States within which they lie. I should be blind to the movements passing before me, if I did not see this. But if this were not the case, it is generally admitted, that there must soon be a revision of the present tariff, not inconsistent with the compromise act of '33. Even with the income from lands, the present rate of duties will not yield revenue sufficient to defray the necessary expenses of the Government, and put the country in a state of defence. And in revising this system, I shall take my ground, in favor of a uniform rate of duties on all foreign imports. I am utterly opposed to the principle of discrimination. This is what the South has always complained of. It is the source and origin of all protective tariffs. Equalization of duties is the only principle of safety for the South. Once you commence the system of discriminating duties, the South is at the mercy of the Northern and Middle States. I might except from the operation of this rule, articles that are indispensable to our national safety in time of war—as arms, and munitions of war, which I would prohibit altogether. I might in time of great pressure and distress, exempt certain articles of prime necessity, which enter into the general consumption by the poor—as salt, sugar, coffee, molasses, &c. Perhaps it would be right to

exempt certain raw materials, drugs, dye stuffs, &c., which would not be imported at all, but for the existence of our manufacturing establishments—and especially those, which enter into the manufacture of articles intended for exportation. With these, and other reasonable exceptions, I am in favor of a uniform rate of duties on foreign imports. Well, what is our revenue likely to be, under such a system as this? Taking a series of seven successive years, ending September, 1840, we have an annual average of imports, amounting to \$141,476,769. I discover from the report of the Secretary of the Treasury at the last session, on commerce and navigation, that the specie and bullion imported during the year ending September, 1839, amounted to \$5,595,176. I know not whether this be any thing like an average of the annual importation of specie and bullion—if it is, after deducting it from the gross amount, we have left \$135,881,593. This amount of annual imports, at 20 per cent. will yield \$27,176,000. After deducting one fifth for refunded duties, drawbacks, &c., we have still left near \$22,000,000 nett income from foreign importations. After making still further allowance, for those cases of exception above alluded to, where I would be willing to depart from the strict rule of uniformity of duty—we have left more than twenty millions of dollars annually—enough for an economical administration of this Government in time of peace. In time of war, when the public safety supercedes every other consideration, there is not a State in this Union, that would not willingly surrender all claims to the proceeds of these lands, for the purpose of defraying its expense. At all events, they would have to contribute to the support of such war; and is it not reasonable to suppose, they would prefer the lands should be so applied, rather than submit to a heavy direct taxation?

By no means will I agree that the luxuries of life shall be imported free of duty, whilst the necessities are taxed 20 per cent.—as will be the case, under the operation of the present tariff. From a report made to the Senate, by the late Secretary of the Treasury, (Mr. WOODBURY, dated January 18, 1841, it appears, that there were consumed during the year 1838, silks, worsted stuffs, and linens, to the amount of \$14,000,000, which were imported duty free. These at a duty of 20 per cent, would yield a revenue of \$2,800,000. It further appears, from a statement prepared at the Treasury Department, quoted by the gentleman from Maine, that during the year 1840, there were imported wines to the amount of \$2,209,176—paying according to the present rate of duties, but 196,073 79—whereas at a duty of 20 per cent., they would have yielded \$441,835 20. The revenue that would thus arise on silks, worsteds, and linens, now imported free—and wines now paying less than 20 per cent.; would amount to more than three millions annually—enough to compensate for the income abstracted from the sales of the public lands.

From the report of the Secretary of the Treasury, of 10th July, 1841—it appears that since the present cash system went into operation in 1820, the average income* arising from the sale of the public lands, has amounted to

* Statement of sales of public lands and amount received since the adoption of the cash system in 1820;

| | | | | | | | | | |
|----------------------|-----------|-------------|-----------|------------------------|----------------|-------------|---------|------------|----|
| 1821, acres, 781,213 | 32 | \$1,169,224 | 98 | 1832, acres, 2,462,342 | 16 | \$3,115,376 | 09 | | |
| 1822, do | 801,226 | 18 | 1,023,267 | 83 | 1833, do | 3,856,227 | 56 | 4,972,284 | 84 |
| 1823, do | 653,319 | 52 | 850,141 | 26 | 1834, do | 4,658,218 | 71 | 6,099,981 | 04 |
| 1824, do | 749,323 | 04 | 953,799 | 03 | 1835, do | 12,564,478 | 85 | 15,999,804 | 11 |
| 1825, do | 893,461 | 69 | 1,205,068 | 37 | 1836, do | 20,074,870 | 92 | 25,167,833 | 06 |
| 1826, do | 848,082 | 26 | 1,128,857 | 29 | 1837, do | 5,601,103 | 12 | 7,007,523 | 04 |
| 1827, do | 926,727 | 76 | 1,318,105 | 36 | 1838, do | 3,414,907 | 42 | 4,305,564 | 64 |
| 1828, do | 965,600 | 36 | 1,221,357 | 99 | 1839, do | 4,976,382 | 87 | 6,064,556 | 78 |
| 1829, do | 1,144,707 | 19 | 1,447,950 | 04 | 1840, do | 2,240,272 | 97 | 2,808,060 | 14 |
| 1830, do | 1,929,733 | 79 | 2,433,432 | 94 | 1841, to 31st | | | | |
| 1831, do | 2,777,856 | 88 | 3,557,023 | 76 | March, 334,826 | 81 | 418,786 | 53 | |

more than \$4,000,000 annually. After deducting the 10 per cent. allowed to the new States, and the expenses of survey and sale—there will remain at least \$3,000,000 annually, to be divided among the States.*

Let this sum be annually distributed among the States, and what immense means are put at their command, towards improving their internal condition; strengthening themselves, the better to repel foreign invasion; increasing their wealth and domestic comfort; developing their moral, social, and intellectual condition; restoring their shattered and decaying credit in the markets of Europe. They will be enabled to open all their avenues of trade and commerce, by which their physical resources will be developed, and the labor of their industry rewarded. You will enable each one of them, to forge a link in the great chain of commercial interest, which will forever bind this Union together.

You will enable them to scatter the blessings of education throughout their borders; to send "the schoolmaster abroad," to the door of every cottage; and to bring to the service of his country, many an indigent youth, that might otherwise have passed through life, unknowing, and unknown. You will enable them to lay open to the light of day, many a rich mine of knowledge, that might otherwise remain forever concealed, beneath the depths of ignorance and vice. You will enable each State to establish a moral garden within its limits, for the cultivation of many a mental flower, that might otherwise "waste its sweetness on the desert air."

Those States that are in debt, will be enabled to relieve their citizens from the burthens of taxation, and to consummate those splendid efforts of domestic improvement, that have been impeded by the pressure of the times. They will be enabled to regain their partially lost credit abroad; to restore the credit of American stocks in the European market; and to save our common country, from the odium, of a disregard of its plighted faith.

Put this beautiful, this harmonious system into operation, and no one can estimate the blessings that will result from it; no one can foresee the rich harvest of prosperity, that future generations will reap from our present labors. Establish a system, which is so well calculated to develop the physical and intellectual resources of a great people, and the heart swells with the very poetry of feeling, as it contemplates our future destiny. Can the mind dwell upon a more sublime spectacle, than that of this vast continent, tenanted by fifty millions of beings, divided into separate and independent communities, all bound together by the strong ties of interest and affection—the abode of intelligence, refinement, and free institutions; after all these shall have been swallowed up by the tumult and faction, which are undermining the Governments of the old world. I believe that the great principles of Anglo-American

* The following table shows what each State would annually receive under this bill—supposing \$3,000,000 to be distributed per year—and supposing the ratio of representation under the late census to be put at 60,000. If any other ratio should be fixed on, the relative proportions will be the same. The sums are stated in round numbers—

| | | | | | | | |
|----------------|---|---|----------|----------------|---|---|----------|
| Maine | - | - | \$96,000 | South Carolina | - | - | \$84,000 |
| New Hampshire | - | - | 48,000 | Georgia | - | - | 108,000 |
| Vermont | - | - | 48,000 | Alabama | - | - | 96,000 |
| Massachusetts | - | - | 144,000 | Mississippi | - | - | 48,000 |
| Connecticut | - | - | 60,000 | Louisiana | - | - | 48,000 |
| Rhode Island | - | - | 12,000 | Tennessee | - | - | 144,000 |
| New York | - | - | 480,000 | Kentucky | - | - | 132,000 |
| New Jersey | - | - | 72,000 | Ohio | - | - | 300,000 |
| Pennsylvania | - | - | 336,000 | Indiana | - | - | 132,000 |
| Delaware | - | - | 12,000 | Missouri | - | - | 84,000 |
| Maryland | - | - | 72,000 | Illinois | - | - | 60,000 |
| Virginia | - | - | 204,000 | Arkansas | - | - | 12,000 |
| North Carolina | - | - | 120,000 | Michigan | - | - | 36,000 |

civilization are not to be confined to the present limits of our Republic. I believe that this resistless current will continue to roll on, till it shall sweep over this western world, from Greenland to Cape Horn. And it will not stop even here. It will still go westward—it will subdue from savage dominion, the Islands that dot the surface of the vast Pacific; it will ultimately reach the shores of Japan and China; it will ascend the steppes of the Himalay and Caucasian Mountains; it will ultimately reach the forests of Germany, whence it sprang, to redeem its parent soil, from the grasp of despotism and decay. I wish no higher honor, than to give an impetus to this mighty movement. I wish no greater fame, than to aid in laying one stone in this mighty fabric, beneath which, millions will repose in peace and happiness, long after we shall have departed, and our names shall be forgotten.

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